

ORDINANCE NO. 1835

AN ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING THE "2010 CALIFORNIA MECHANICAL
CODE"; THEREBY, REPEALING AND RE-ENACTING
LODI MUNICIPAL CODE CHAPTER 15.08 IN ITS
ENTIRETY

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NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.08, 'California Mechanical Code,' is hereby repealed and reenacted in its entirety to read as follows:

Chapter 15.08

Mechanical Code

- 15.08.010 Adoption.
- 15.08.020 Mechanical Permit Fees.
- 15.08.030 Fee Schedule.
- 15.08.040 Investigation Fee.
- 15.08.050 Installation.
- 15.08.060 CMC Chapter 1, Division II (Board of Appeals).
- 15.08.070 Violation – Misdemeanor.

15.08.010 Adoption

The provisions set forth in the "2010 California Mechanical Code," together with Chapter I, Administration Division II, are hereby adopted as the Mechanical Code of the City of Lodi and copies of the same are maintained by the City Building Official and available for review in the Community Development Department, The Mechanical Code of the City of Lodi shall apply to all matters pertaining to erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any heating, ventilation, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances; to the issuance of permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "2010 California Mechanical Code" within the City of Lodi.

15.08.020 Mechanical Permit Fees

A fee for each mechanical permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.08.030 Fee Schedule

Section 115.2 is amended to read as follows: The schedule of Mechanical Permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.08.040 Investigation Fee – Work Without a Permit

Sections 115.5, 115.5.1, and 115.2 are amended to read as follows: Work Commenced before permit is issued. Any person who commences work requiring a permit before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fee.

15.08.050 Installation

Section 304.1 Installation. The California Mechanical Code adopted in Section 15.08.010, is amended to read as follows:

Section 304.1. 2. Location of heating and cooling equipment. Heating, cooling, and swimming pool equipment shall not be located within the required five-foot side yard setback as defined by the City of Lodi Zoning Ordinance for residential zonings.

15.08.060 CMC Chapter 1, Division II (Board of Appeals)

Sec.110.1 - In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a Board of Appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The Board of Appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.08.070 Violation – Misdemeanor

A. It shall be unlawful for any person, to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, comfort cooling, or refrigeration equipment in the jurisdiction, or cause the same to be done, contrary to or in violation of any of the provision of this Chapter. Maintenance of equipment, which was unlawful at the time it was installed and which would be unlawful under this Code if installed after effective date of this Chapter, shall constitute a continuing violation of this Chapter.

B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.

C. In addition to the penalties set forth in Section 15.08.070(B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

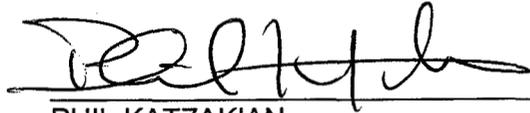
Section 2. – No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside if the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. – Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2011, which date is at least 30 days after passage of this ordinance.

Approved this 17th day of November, 2010



PHIL KATZAKIAN
Mayor

Attest:

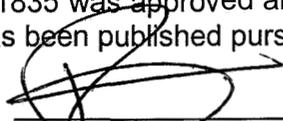

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1835 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

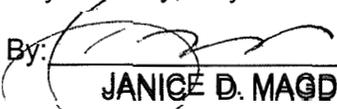
- AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Katzakian
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1835 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL
City Clerk

Approved as to Form:
D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: 

JANICE D. MAGDICH
Deputy City Attorney